UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

JENNY LOK, on behalf of herself and all others similarly situated,

Plaintiff(s),

-against-

PRESSLER and PRESSLER, L.L.P. and JOHN DOES 1-25,

Defendant(s).

Civil Case Number: ____________

CIVIL ACTION

CLASS ACTION COMPLAINT
AND
DEMAND FOR JURY TRIAL

Plaintiff, JENNY LOK, on behalf of herself and all others similarly situated (hereinafter “Plaintiff”) by and through his undersigned attorney, alleges against the above-named Defendant, PRESSLER and PRESSLER, L.L.P. ("Pressler"), and JOHN DOES 1-25 their employees, agents, and successors (collectively "Defendants") the following:

PRELIMINARY STATEMENT

1. Plaintiff brings this action for damages and declaratory and injunctive relief arising from the Defendants' violation of 15 U.S.C. § 1692 *et seq.*, the Fair Debt Collection Practices Act (hereinafter “FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. §1331. This is an action for violations of 15 U.S.C. § 1692 *et seq.*

3. Venue is proper in this district under 28 U.S.C. §1391(b) because jurisdiction is not founded solely on diversity of citizenship and one of the Plaintiffs resides in this jurisdiction.

DEFINITIONS

4. As used in reference to the FDCPA, the terms "creditor," "consumer," "debt," and "debt collector" are defined in § 803 of the FDCPA and 15 U.S.C. § 1692a.

PARTIES

5. The FDCPA, 15 U.S.C. § 1692 *et seq.*, which prohibits certain debt collection practices provides for the initiation of court proceedings to enjoin violations of the FDCPA and to secure such equitable relief as may be appropriate in each case.

6. Plaintiff is a natural person and a resident of the County of Bergen, State of New Jersey, and is a "Consumer" as defined by 15 U.S.C. § 1692a(3).

7. PRESSLER is a law firm and limited liability partnership with offices located at 7 Entin Road, Parsippany, New Jersey 07054..

8. Upon information and belief, PRESSLER is a company that uses the mail, telephone, and facsimile and regularly engages in business the principal purpose of which is to attempt to collect debts alleged to be due another. Defendant is a "Debt Collector" as that term is defined by 15 U.S.C. §1692(a)(6).

9. John Does 1-25, are fictitious names of individuals and business alleged for the purpose of substituting names of defendants whose identities will be disclosed in discovery and should be made parties to this action.

CLASS ACTION ALLEGATIONS

10. Plaintiff brings this action as a state wide class action, pursuant to Rule 23 of the Federal Rules of Civil Procedure (hereinafter "FRCP"), on behalf of himself and all New Jersey consumers and their successors in interest (the "Class"), who have received debt collection

letters and/or notices from the Defendants which are in violation of the FDCPA, as described in this Complaint.

11. This Action is properly maintained as a class action. The Class consists of:

All New Jersey consumers who were sent letters and/or notices from PRESSLER, which: stated in part: "...enclosed is a copy of the Information Subpoena. Please answer and return to this office within 10 days"

The class definition may be subsequently modified or refined.

- The Class period begins one year to the filing of this Action.

12. The Class satisfies all the requirements of Rule 23 of the FRCP for maintaining a class action:

- Upon information and belief, the Class is so numerous that joinder of all members is impracticable because there are hundreds and/or thousands of persons who have received debt collection letters and/or notices from the Defendants that violate specific provisions of the FDCPA. Plaintiff is complaining of a standard form letter and/or notice that is sent to hundreds of persons (*See* **Exhibit A**, except that the undersigned attorney has, in accordance with Fed. R. Civ. P. 5.2 partially redacted the financial account numbers in an effort to protect Plaintiff's privacy);
- There are questions of law and fact which are common to the Class and which predominate over questions affecting any individual Class member. These common questions of law and fact include, without limitation:

  a. Whether the defendants violated various provisions of the FDCPA including but not limited to:

15 U.S.C. §1692e(10)

b. Whether Plaintiff and the Class have been injured by the Defendants' conduct;

c. Whether Plaintiff and the Class have sustained damages and are entitled to restitution as a result of Defendants' wrongdoing and if so, what is the proper measure and appropriate statutory formula to be applied in determining such damages and restitution; and

d. Whether Plaintiff and the Class are entitled to declaratory and/or injunctive relief.

- Plaintiff's claims are typical of the Class, which all arise from the same operative facts and are based on the same legal theories.
- Plaintiff has no interest adverse or antagonistic to the interest of the other members of the Class.
- Plaintiff will fairly and adequately protect the interest of the Class and has retained experienced and competent attorneys to represent the Class.
- A Class Action is superior to other methods for the fair and efficient adjudication of the claims herein asserted. Plaintiff anticipates that no unusual difficulties are likely to be encountered in the management of this class action.
- A Class Action will permit large numbers of similarly situated persons to prosecute their common claims in a single forum simultaneously and without the duplication of effort and expense that numerous individual actions would engender. Class treatment will also permit the adjudication of relatively small claims by many Class members who could not otherwise afford to seek legal

redress for the wrongs complained of herein. Absent a Class Action, class members will continue to suffer losses of statutory protected rights as well as monetary damages. If Defendants' conduct is allowed to proceed without remedy, they will continue to reap and retain the proceeds of their ill-gotten gains.

- Defendant has acted on grounds generally applicable to the entire Class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the Class as a whole.

STATEMENT OF FACTS

13. Plaintiff is at all times to this lawsuit, a "consumer" as that term is defined by 15 U.S.C. §1692a(3).

14. On or before April 7, 2016, Plaintiff allegedly incurred a financial obligation to Bank of America Visa. ("Bank of America").

15. The Bank of America obligation arose out of a transaction, in which money, property, insurance or services, which are the subject of the transaction, are primarily for personal, family or household purposes.

16. The Bank of America obligation is a "debt" as defined by 15 U.S.C.§ 1692a(5).

17. Bank of America is a "creditor" as defined by 15 U.S.C.§ 1692a(4).

18. At some time prior to April 7, 2016 the Bank of America obligation was assigned to, transferred to, sold to, or otherwise acquired by, Colorado Capital.

19. At the time the Bank of America obligation was placed with and/or sold to Colorado Capital, the account was past due.

20. Colorado Capital is a "Debt Collector" as defined by 15 U.S.C.§ 1692a(6).

21. At some time prior to April 7, 2016, the Colorado Capital placed the Bank of America obligation was with PRESSLER for collection.

22. At the time the Colorado Capital place the Bank of America obligation with PRESSLER, the account was past due.

23. On or about January 14, 2009, through its attorneys, PRESSLER, Colorado Capital obtained a default judgment against Plaintiff.

24. On or about April 7, 2016, PRESSLER caused to be delivered to Plaintiff a letter addressed to Plaintiff. **Exhibit A.**

25. The April 7, 2016 letter was sent to Plaintiff in connection with the collection of the Bank of America obligation.

26. The April 7, 2016 letter is a "communication" as defined by 15 U.S.C. §1692a(2).

27. The April 7, 2016 letter states in part: ""...enclosed is a copy of the Information Subpoena. Please answer and return to this office within 10 days."

28. The April 7, 2016 letter also included enclosures which included an Information Subpoena. **Exhibit B**.

29. The Information Subpoena stated in relevant part:

- "Attached to this Information Subpoena is a list of questions that court rules require you to answer within 14 days from the date you receive this subpoena.", and;
- "Be sure to sign and date your answers and return them to the address in the upper left hand corner within 14 days." **Exhibit B**.

30. Upon receipt, Plaintiff read the April 7, 2015 letter and the INFORMATION SUBPOENA.

31. Pursuant to New Jersey Court Rule 6:7-2(b), "The original subpoena, with the answers to the written questions annexed thereto shall be returned to the judgment creditor, if pro se, or judgment creditor's attorney within *14 days* after service thereof." [emphasis added].

32. Pursuant to New Jersey Court Rule 6:7-2(b), "The information subpoena and written questions shall be in the form and limited to those set forth in Appendix XI-L to these Rules."

POLICIES AND PRACTICES COMPLAINED OF

33. It is PRESSLER's policy and practice to send initial written collection communications, in the form annexed hereto as **Exhibit A**, which violate the FDCPA, by *inter alia*:

(a) Using false representations and/or deceptive means to collect or attempt to collect a debt and/or collect information concerning Plaintiff.

34. On information and belief, PRESSLER sent written communications in the form annexed hereto as **Exhibit A**, to at least 50 natural persons in the State of New Jersey with one year of this Complaint.

COUNT I

FAIR DEBT COLLECTION PRACTICES ACT 15 U.S.C. §1692
VIOLATION OF 15 U.S.C. §1692e(10)

35. Plaintiff repeats the allegations contained in paragraphs 1 through 34 as if the same were set forth at length.

36. Collection letters and/or notices, such as those sent by the Defendant, are to be evaluated by the objective standard of the hypothetical “least sophisticated consumer.”

37. Section 1692e(10) of the FDCPA prohibits the use of any false representation or deceptive means to collect or attempt to collect any debt.

38. Pursuant to New Jersey Court Rule 6:7-2(b), "The original subpoena, with the answers to the written questions annexed thereto shall be returned to the judgment creditor, if pro se, or judgment creditor's attorney within *14 days* after service thereof." [emphasis added]. **Exhibit B**.

39. PRESSLER violated 15 U.S.C. §1692e(10) by misrepresenting the New Jersey Court Rule 6:7-2(b) in the April 7, 2016 letter to Plaintiff by stating "...enclosed is a copy of the Information Subpoena. Please answer and return to this office within 10 days" when in fact the Rule allows Plaintiff 14 days to answer. **Exhibit A**; **Exhibit B**

40. The least sophisticated consumer upon reading the April 7, 2016 letter would believe she had only 10 days to answer, when in fact she would actually 14 days to answer.

41. By reason thereof, PRESSLER is liable to Plaintiff for a declaratory judgment that PRESSLER's conduct violated Section 1692e(10) of the FDCPA, actual damages, statutory damages, costs and attorneys' fees.

WHEREFORE, Plaintiff demands judgment against Defendants as follows:

(a) Declaring that this action is properly maintainable as a Class Action and certifying Plaintiff as Class representative and the attorneys, Joseph K. Jones, Esq., and Benjamin J. Wolf, Esq., as Class Counsel;

(b) Awarding Plaintiff and the Class statutory damages;

(c) Awarding Plaintiff and the Class actual damages;

(d) Awarding pre-judgment interest;

(e) Awarding post-judgment interest.

(f) Awarding Plaintiff costs of this Action, including reasonable attorneys' fees and expenses; and

(g) Awarding Plaintiff and the Class such other and further relief as the Court may deem just and proper.

Dated: Fairfield, New Jersey
April 20, 2016

s/ Joseph K. Jones
Joseph K. Jones, Esq.
Jones, Wolf & Kapasi Jones, LLC
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Fairfield, New Jersey 07004
(973) 227-5900 telephone
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s/ Benjamin J. Wolf
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DEMAND FOR TRIAL BY JURY

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby requests a trial by jury on all issues so triable.

s/ Joseph K. Jones
Joseph K. Jones, Esq.

CERTIFICATION PURSUANT TO LOCAL RULE 11.2

I, Joseph K. Jones, the undersigned attorney of record for Plaintiff, do hereby certify to my own knowledge and based upon information available to me at my office, the matter in controversy is not the subject of any other action now pending in any court or in any arbitration or administrative proceeding.

Dated: April 20, 2016

s/ Joseph K. Jones
Joseph K. Jones, Esq.

Exhibit

A

MAURICE H. PRESSLER(1930-2002)
SHELDON H. PRESSLER

GERARD J. FELT
LAWRENCE J. MCDERMOTT, JR.
DAVID B. WARSHAW (NJ,NY & MA)

RALPH GULKO (NJ, NY & PA)
FRANCIS X. GRIMES (NJ & PA)
DARREN H. TANAKA (NJ & NY)
GERMAN ROZENCRANC (NJ & NY)
MICHAEL J. PETERS (NJ & NY)

PRESSLER AND PRESSLER, L.L.P.
COUNSELLORS AT LAW
7 Entin Rd.
Parsippany, NJ 07054-5020
Off: 1-973-753-5100
Toll Free: 1-888-312-8600
Fax: 1-973-753-5353

NY Office
305 Broadway
9th Floor
New York, NY 10007
Off: (516)222-7929
Fax: (973)753-5353

PA Office
508 Prudential Rd
Suite 200-B
Horsham, PA 19044
Off: 1-215-576-1900
Fax: 1-973-753-5353

Reply to [X] NJ Office [ ] NY Office [ ] PA Office

CHRISTOPHER P. ODOGBILI
CRAIG S. STILLER (NY & PA)
DANIEL E. SCHLOSSBERG (NJ & NY)
VANESA L. RIDORE (NJ & NY)
PHILLIP A. RAYMOND (NJ & NY)
CANDACE R. JOHNSON
STEPHEN E. LUNDY

RITA E. AYOUB
STEVEN A. LANG
DARYL J. KIPNIS
HAROLD D. WEST
ROBERT B. SOZIO
BARRY A. ROSEN (PA)

OFFICE HOURS:
Monday-Thursday: 8am-8pm
Friday: 8am-7pm
Saturday: 9am-2pm

04/07/16

JENNY LOK
[redacted]

Re: COLORADO CAPITAL vs JENNY LOK
Superior Court of New Jersey: Law Division
BERGEN Special Civil Part
Docket Number [redacted]
P&P File No [redacted]
Acct # [redacted]
PLEASE CALL OUR OFFICE FOR YOUR CURRENT BALANCE
Original Creditor BANK OF AMERICA VISA

Dear JENNY LOK

Pursuant to our telephone conversation of April 5, 2016, enclosed is a copy of the Information Subpoena. Please answer and return to this office within 10 days.

Thank you.

Pressler and Pressler, LLP
7 Entin Rd.
Parsippany, NJ 07054-5020
1-888-312-8600

THIS COMMUNICATION IS FROM A DEBT COLLECTOR. THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

Exhibit

B

PRESSLER and PRESSLER, LLP
COUNSELLORS AT LAW
7 Entin Rd.
Parsippany, NJ 07054-5020
1-973-753-5100 Ext 5107

P&P# L109785

IMPORTANT NOTICE - PLEASE READ CAREFULLY

INFORMATION SUBPOENA AND WRITTEN QUESTIONS

FAILURE TO COMPLY WITH THIS INFORMATION SUBPOENA MAY RESULT IN YOUR ARREST AND INCARCERATION

COLORADO CAPITAL

Plaintiff(s)

-vs-

JENNY LOK

Defendant(s)

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
BERGEN Special Civil Part
DOCKET NO. [redacted]

Civil Action

INFORMATION SUBPOENA

THE STATE OF NEW JERSEY, to: JENNY LOK

JUDGMENT has been entered against you in the Superior Court of New Jersey, Law Division, BERGEN Special Civil Part , on January 14, 2009, in the amount of $1,753.91 plus costs, of which $1,924.08 together with interest from January 14, 2009, remains due and unpaid.

Attached to this Information Subpoena is a list of questions that court rules require you to answer within 14 days from the date you receive this subpoena. If you do not answer the attached questions within the time required, the opposing party may ask the court to conduct a hearing in order to determine if you should be held in contempt. You will be compelled to appear at the hearing and explain your reasons for your failure to answer.

If this judgment has resulted from a default, you may have the right to have this default judgment vacated by making an appropriate motion to the court. Contact an attorney or the clerk of the court for information on making such a motion. Even if you dispute the judgment you must answer all of the attached questions.

You must answer each question giving complete answers, attaching additional pages if necessary. False or misleading answers may subject you to punishment by the court. However, you need not provide information concerning the income and assets of others living in your household unless you have a financial interest in the assets or income. Be sure to sign and date your answers and return them to the address in the upper left hand corner within 14 days.

Dated: 07/14/15
s/Lori R. Cetani
Lori R. Cetani
Attorney for Plaintiff

s/MICHELE M. SMITH
MICHELE M. SMITH
Clerk

JENNY LOK
[redacted]

Court Docket # [redacted] P & P File # L109785

1. Full Name__________
2. Address__________
3. Birthdate____/____/____
4. Social Security # ____-____-____
5. Driver's License #__________ Exp Date______
6. Telephone Number ( )__________
7. Full name & address of your employer__________

(a) Your weekly salary: Gross________ Net________
(b) If not presently employed, name & address of last employer________

8. Is there currently a wage execution on your salary?
Yes______ No______
9. List the names, addresses and account numbers of all bank accounts on which your name appears.

Bank	Address	Acct#

10. If you receive money from any of the following sources, list the amount, how often, and the name and address of the source:

Type	Amount & Frequency	Name & Addr of Source
Alimony		
Loan Pymts		
Rental Income		
Pension		
Bank Interest		
Stock Dividends		
Other		

11. Do you receive any of the following, which are exempt from levy? Any levy on disclosed exempt funds may result in monetary penalties including reimbursement of the debtor's out-of-pocket expenses.

Social Security Benefits	Yes____	Amount Per Month______	No____
SSI Benefits	Yes____	Amount Per Month______	No____
Welfare Benefits	Yes____	Amount Per Month______	No____
VA Benefits	Yes____	Amount Per Month______	No____
Unemployment Benefits	Yes____	Amount Per Month______	No____
Worker's Compensation Benefits	Yes____	Amount Per Month______	No____
Child Support Benefits	Yes____	Amount Per Month______	No____

Attach copies of the three most recent bank statements for each account listed in question 9 that contain funds from these sources.

12. Do you own the property where you reside?
Yes____No____ If yes, state the following:
(a) Name of the owners________
(b) Date property was purchased______ (c) Purchase price______
(d) Name and address of mortgage holder________

(e) Balance due on mortgage________
13. Do you own any other real estate?
Yes____No____ If yes, state the following for each property
(a) Address of property________
(b) Date property was purchased______ (c) Purchase price______
(d) Name and address of all owners________

(e) Name and address of mortgage holders________

(f) Balance due on mortgage________
(g) Name and addresses of all tenants and monthly rental paid by each tenant________

14. Does the present value of your personal property, which includes automobiles, furniture, appliances, stocks, bonds, and cash on hand exceed $1,000?
Yes [ ] No[ ] If the answer is "yes", you must itemize all personal property owned by you. Cash on Hand: $______
Other personal property: (Set forth make, model and serial number. If financed, give name and address of party to whom payments are made.)

Item	Date Purchased	Purchase Price	If Financed Balance Still Due	Present Value

15. Do you own a motor vehicle?
Yes____No____ If yes, state the following for each motor vehicle owned.
(a) Make, model and year of motor vehicle________
(b) If there is a lien on the vehicle, state the name and address of the lienholder and the amount due to the lienholder________

(c) License plate #______
(d) Vehicle indentification #______
16. Do you own a business?
Yes____No____If yes, state the following:
(a) Name and address of business________

(b) Is the business a corporation____ Sole Proprietorship____ Partnership____ or limited liability company____ ?
(c) The name and address of all stockholders, officers, partners or members________

(d) The amount of income received by you from the business during the last 12 months________
17. Set forth all other judgments that you are aware of that have been entered against you and include:

Creditor's Name	Creditor's Attorney	Amount Due	Name of Court	Docket #

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date:________ ____________
Signature